

Uruguay

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Freedom of the Press

Uruguay's media environment remained one of the freest in Latin America in 2013. During the year, the country made progress on legal reforms that are expected to have a positive effect on the broadcast sector.

The 1967 constitution provides for press freedom and freedom of expression, and the government generally respects these rights. Uruguay's legal framework for the press is considered one of the best in the Americas, with effective community media regulations and laws protecting access to information. However, some defamation laws and bureaucratic adherence to deadlines and processes contained within the 2008 access to information law remain problematic, and articles about "dirty war" crimes by officials during Uruguay's right-wing dictatorship (1973–85) still occasionally prompt reprisals against journalists.

In December 2013, the press freedom community welcomed the House of Deputies' passage of a new Audiovisual Communications Services Law (LSCA) that has the potential to be a regional model. Creation and passage of the legislation involved a wide consultation process that included representatives of commercial and community media as well as international and domestic nongovernmental groups working on freedom of expression issues. If enacted, the LSCA would distribute frequencies between commercial, public, and community media and would take steps to prevent a few media groups from dominating the commercial market. The proposed law gives commercial actors five years to divest frequencies if required, and creates a transparent arbiter for distribution of licenses. Moreover, the current, arbitrary license revocation process will be replaced with a transparent system for both bidding and license renewal. At the request of free press advocates, language clarifying and narrowing bans on hateful, racist, or discriminatory content was added during legislative discussions. The law protects national content by reserving 60 percent of television programming and 30 percent of radio programming for national producers. One worrisome issue is that Uruguayan elections law prohibits the creation of a new public office within one year of a general election, so the creation of the new, independent Broadcast Communication Council may have to wait until after presidential and parliamentary elections in October 2014.

Despite important advances, some existing statutes continue to present obstacles to journalists and the press. An initiative to decriminalize defamation in 2009 was left incomplete, and reporters remain vulnerable to prosecution. Criminal defamation charges filed by a former naval officer implicated in dirty war crimes were filed in 2012 against journalist Roger Rodríguez of the newsmagazine *Caras y Caretas*. In December 2012 an appellate court threw out the charges, but only in August 2013 was the process brought to final conclusion when the officers' lawyers did not petition the Supreme Court to allow them to continue the proceedings. However, the case limited Rodríguez's ability to continue his investigations for an extended period; moreover, he left *Caras y Caretas* after 30 years following the publication of another high-profile human rights abuse story, which exacerbated internal tensions at the magazine.

A modern access to information law was enacted in 2008, but a report compiled last year by the Archives and Access to Public Information Center found that only 5 of 13 ministries reported what information they would classify in a timely manner, as did 9 of 17 public enterprises and decentralized agencies, 2 of 38 local governments and agencies, and 4 of 8 executive agencies. Of the 614 files restricted by reporting agencies, only 11 percent had been justified based on the required test of whether declassification would cause "imminent harm." About 60 percent of the files were classified on the grounds that they involved

business secrets; many involved the state bank, the telecommunications administration, and tax authorities, all of which have been subject to public debates regarding their efficacy. Twenty percent did not cite a reason why they were classified; 14 percent were restricted due to a risk to human life, dignity, personal security, or personal health; and only 4 percent cited national security.

Although physical risk for Uruguayan reporters is currently low, 31 journalists were killed or disappeared during the “dirty war” period, and progress on investigating these crimes has been slow. The process against former police officer Juan Ricardo Zabala, who was accused of acting as an accomplice in the military-ordered murder of journalist and labor activist Julio Castro, continued in 2013. Zabala admitted kidnapping Castro in 1977 and said his jailers decided to execute the journalist after his health declined rapidly during torture. The discovery of Castro’s remains had convinced President José Mujica to revoke a controversial amnesty law, allowing the case to be investigated and charges to be filed. Zabala faces 15 to 30 years in prison if convicted.

The press is privately owned, and Uruguay hosts more than 100 daily and weekly newspapers. The broadcast sector is mostly private, with the exceptions of the state-owned television station and radio outlet. Ownership of commercial free-to-air and subscription television stations is concentrated in three companies, but community media and nongovernmental advocates of media diversity are highly organized, which helped put ownership concentration on the political agenda via the proposed LSCA. In March 2012, Mujica issued a preliminary decree that will allot the country’s digital television spectrum in a pluralistic manner, with commercial, public, and community broadcasters each receiving about a third of the frequencies. However, in the final decree published in December, the president rejected the recommendations of his nongovernmental advisers and removed incumbent commercial operators from previously announced public hearing and review requirements. The World Association of Community Radio Operators (AMARC) accused the president of effectively extending commercial concessions to 25 years, since only a cursory review would be held to renew the concessions after 15 years. There are no government restrictions on internet use, and penetration is high relative to the rest of Latin America, with about 58 percent of the population accessing the medium in 2013.

2014 Scores

Press Status

Free

Press Freedom Score

(0 = best, 100 = worst)

26

Legal Environment

(0 = best, 30 = worst)

8

Political Environment

(0 = best, 40 = worst)

Economic Environment

(0 = best, 30 = worst)